

**182. DRUGS, USE OF TERMS IN SALE.**

It shall be unlawful for any person who is not legally licensed as a registered pharmacist under the laws of the state of Idaho, or any person, firm, or corporation who does not have in continuous employ, at each place of business, a duly registered and licensed pharmacist, licensed under the laws of the state of Idaho and in good standing to take, use or exhibit the title or descriptive term "drug," "drugs," "drugstore," "pharmacy," or "apothecary," or any combination of such titles, or descriptive terms, or any title or any description of like import or any term designated to take the place of such title or descriptive term. (7-1-93)

**183. PRACTITIONER, CHANGE OF STATUS.**

Upon any of the following events; death of prescriber; surrender or termination of the prescriber or permanent relocation of the prescriber that precludes a continued patient-practitioner relationship, a valid prescription or drug order of record in Idaho shall remain valid only to the extent necessary to insure the continuity of care that will best serve the medical needs of the patient. (2-23-94)

**01. Advising Patient of Change of Status.** A pharmacist who shall become aware of any of the preceding events shall advise the patient concerning the status of the prescription, advise the patient to engage a physician and only provide that amount of medication necessary to insure the short-term continuity of care that will best serve the needs of the patient. (7-1-93)

**02. Knowledge of Change of Status.** The pharmacist shall not dispense, refill or provide medication under this Rule in violation of state or federal law restricting dispensing or refills of controlled substances or legend drugs and, in no event shall the pharmacist provide medication here under after ninety (90) days following knowledge of the occurrence of any of the above events. (7-1-93)

**03. Prescription Order Becomes Null and Void.** After the expiration of the period necessary to insure the continuity of care or ninety (90) days, whichever comes first, the prescription or drug order shall be null and void. Failure to act in the manner prescribed herein will constitute unprofessional conduct and subject the pharmacist to penalties pursuant to Section 54-1726, Idaho Code. (7-1-93)

**184. CONDUCT, UNPROFESSIONAL.**

The following acts or practices by a registered pharmacist or the owner of a pharmacy are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest: (7-1-93)

**01. General.** Manufacturing, compounding, selling, dispensing, or permitting to be manufactured, compounded, sold or dispensed substandard drugs or preparations. (7-1-93)

**02. Secret Formulas.** Using secret formulas. (7-1-93)

**03. Allowing a Commission or Rebate.** Allowing a commission or rebate to a person writing or making or otherwise ordering a prescription, or providing consultant services at no charge to receive prescription business. (7-1-93)

**04. Failure to Follow Instructions.** Failing to strictly follow the instructions of the person writing or making or ordering a prescription as to refilling, content or label, or giving a copy of a prescription to any person without marking said prescription across the face: "Copy for Information Only. Not to Be Filled." (7-1-93)

**05. Errors or Omissions.** Failing to confer with the person writing, making or ordering a prescription, if there is an error or omission therein which should be questioned. (7-1-93)

**06. Advertising.** Advertising in a manner that is false, misleading or deceptive including material claims of professional superiority which cannot be substantiated. (7-1-93)

**07. Addiction.** Being addicted or habituated to the use of alcohol or controlled substances. (7-1-93)

**08. Supplying to Unqualified Persons.** Supplying or diverting drugs, biological, medicines, substances or devices which are legally sold in pharmacies, so that unqualified persons can circumvent laws pertaining to the legal sale of such articles. (7-1-93)

- 09. Fraudulent Practice.** Performing or in any way being a party to any fraudulent or deceitful practice or transaction. (7-1-93)
- 10. Competency.** Performing any duties as a pharmacist or pharmacy owner in an incompetent, unskilled or negligent manner. (7-1-93)
- 11. Unprofessional Conduct.** Exhibiting unprofessional conduct towards customers, employees, colleagues, inspectors or others. (7-1-93)
- 12. Failure to Follow Orders.** Failure to follow an order of the Board. (2-23-94)
- 13. Inappropriate Conduct.** Any activity by a pharmacist which is inappropriate to the conduct of the profession of pharmacy. (2-23-94)
- 14. Discipline in Other States.** Conduct which results in a suspension, revocation or other disciplinary proceeding or action with respect to a pharmacy or pharmacist license that the Idaho licensee holds in another state. (7-1-98)
- 15. Failure to Report Theft, Loss, or Adulteration.** Failure of any pharmacist-in-charge or pharmacy director to report any theft or loss of controlled substances or any adulteration of any prescription drug to the Board even if the theft, loss, or adulteration has been accounted for and the employee disciplined internally. (4-6-05)
- 16. Failure to Cooperate in Investigation.** Failure of any licensee to cooperate with a disciplinary investigation. (4-6-05)

**185. PRODUCT SELECTION DEFINITIONS.**

- 01. Substitution of Drugs.** As used in this section means the dispensing or causing to be dispensed a different drug other than ordered or prescribed without the express permission of the orderer, or in the case of a prescription, the practitioner. (8-4-94)
- 02. Drug Product Selection.** The act of selecting the brand or supplier of therapeutically equivalent generic drug products. (7-1-93)
- 03. Bioavailability.** The rate and extent to which the active drug ingredient or therapeutic moiety is absorbed from a drug product and becomes available at the site of drug action. (7-1-93)
- 04. Bioequivalence.** Describes the situation where pharmaceutical equivalent or pharmaceutical alternative drug products display comparable bioavailability when studied under similar experimental conditions. That is, equivalent (molar) doses of the therapeutic component (moiety) of such drugs similarly studied are bioequivalent when their rate and extent of absorption are not significantly different. Bioequivalence may also be demonstrated on in vitro bioequivalence standard when such an in vitro test has been correlated with human in vitro bioavailability data. (7-1-93)
- 05. Pharmaceutical Equivalents.** Drug products are considered to be pharmaceutical equivalents if they contain the same active ingredients and are identical in strength or concentration, and route of administration (e.g., chlorthalidone hydrochloride, five (5) mg. oral capsules). Pharmaceutically equivalent drug products, sometimes called chemical equivalents, are formulated to contain the same amount of active ingredient to meet the same or comparable standards (i.e., identity, strength, purity, and quality), but they may differ in characteristics such as color, taste, shape, packaging, preservatives, expiration time, and, within certain limits, labeling. (8-4-94)
- 06. Pharmaceutical Alternatives.** Drug products are considered to be pharmaceutical alternatives if they contain the same therapeutic moiety but differ in the salt or ester of that moiety or in the dosage form or strength (e.g., tetracycline hydrochloride, two hundred and fifty (250) (two thousand five hundred (2,500) mg. capsules; tetracycline phosphate complex, two hundred and fifty (250) mg. capsules; quinidine sulfate, two hundred (200) mg. tablets, or quinidine sulfate, two hundred (200) mg. capsules). Different dosage forms and strengths within a product